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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,271	02/16/2000	Angus O. Dougherty	1759/USW0573PUS	6086
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QWEST COMMUNICATIONS INTERNATIONAL INC LAW DEPT INTELLECTUAL PROPERTY GROUP 1801 CALIFORNIA STREET, SUITE 3800 DENVER, CO 80202			MEHRA, INDER P	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No:

09/505,271

Applicant(s)

DOUGHERTY ET AL.

Examiner

Inder P Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/23, 15, 8/21
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to application dated: 2/16/00.

Specification

2. The disclosure is objected to because of the following informalities:

Refer to page 17 line 27; and page 18 line 12. Gateway 220 is not shown in drawing.

Refer to page 18 line 11. Gateway 202 is incorrect. "202" relates to MSP, refer to fig. 3.

Refer to page 19, line 12. Link 48 is shown in fig. 3 instead of fig. 5, as referred to.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claims 2-37 and 39 recite the limitation "A method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

- b. Claim 48-55 recite the limitation "a distribution point" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2666

- c. Claim 1 recites the limitation "a subscriber unit" in lines 12-13 . There is insufficient antecedent basis for this limitation in the claim. It is preceded by "each subscriber unit" in line 2. "a" should be changed to "the".
- d. Claims 2-7 recite the following limitation: "each information packet" in line 1 of claim 2, and "an information packet" in line 1 of claims 3-7. There is insufficient antecedent basis for this limitation in the claim.
- e. Claims 10-13 recites the limitation "at least one access point" in line 1. There is insufficient antecedent basis for this limitation in the claim. This limitation is recited in line 8 of claim 1.
- f. Claim 14 recites the limitation "at least one distribution point" in line 1 and "at least one additional distribution point" in line 2. There is insufficient antecedent basis for this limitation in the claim. These limitations are recited in lines 7-8.
- g. Claim 16 recites the limitation "the second communication system interface device" in lines 5-6 . There is insufficient antecedent basis for this limitation in the claim.
- h. Claim 21 recites the limitations "a subscriber unit" in line 8, "an access point" in line 8. There is insufficient antecedent basis for this limitation in the claim. These limitations are preceded by the same limitations in claim 1.
- i. Claims 23-26 recite the limitation "at least one distribution point" in line 1. There is insufficient antecedent basis for this limitation in the claim. These limitations are preceded by the same limitations in claim 1.

Art Unit: 2666

j. Claims 27-29 recite the limitation "each subscriber unit" in line 1. There is insufficient antecedent basis for this limitation in the claim. This limitation is preceded by the same limitations in claim 1.

k. Claim 38 recites the limitation "the destination distribution point" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the following limitations:

- "the communication network" in lines 4 and 7-8 and "the destination" in line 3;
- "a destination distribution point" in lines 5-6;
- the gateway distribution point" in line 9

There is insufficient antecedent basis for these limitation in the claim.

l. Claim 44 recites the limitation "the path" in line 13. There is insufficient antecedent basis for this limitation in the claim.

m. Claim 45 recites the following limitations"

"the existing distribution point" in line 5.

"new distribution point" in lines 7 and 10.

There is insufficient antecedent basis for this limitation in the claim.

n. Claim 46 recites the limitation "the new distribution point" in line 13. There is insufficient antecedent basis for this limitation in the claim.

o. Claim 47 recites the limitation "the destination subscriber" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Please ensure that all limitations are provided with antecedent basis.

Information Disclosure Statement

5. The information disclosure statement filed 6/15/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because foreign documents and “NON Patent Literature”, as listed therein, are not provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-11, 14-15, 21 and 47-51 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wang** (US Patent No. 5,898,904).

For claims 1, 21, and 47, Wang discloses “A communication system, refer to figs. 1-3, comprising:

Art Unit: 2666

- a plurality of subscriber units (wireless terminals, col. 5 lines 50-55), each subscriber unit sending and receiving information packets using a wireless communication link (1005), refer to col. 7 lines 25-45;
- a plurality of access points (col. 8 lines 12-16), each access point (1024) forming a coverage area for exchanging information packets (packet radio, abstract, packet, col. 6 lines 54-55) with subscriber units within the coverage area (col. 10 lines 53-58) through at least one wireless communication link, refer to col. 8 lines 9-25; and
- Back end communication, **as recited by claim 47**, (Back haul communication, refer to col. 6 lines 1-3)
- a plurality of distribution points (numerous base stations, col. 8 lines 12-16), each distribution point in communication with at least one access point (1024) and with at least one additional distribution point (second base station, col. 5 line 67 through col. 6 line 3), each distribution point operative to
 - (a) receive an information packet for distribution to a destination within the communication system (packet radio, abstract, packet, col. 6 lines 54-55, forward, col. 9 lines 15-25 and col. 10 lines line 1 through line 5);
 - (b) determine if the information packet destination is to a subscriber unit within the coverage area of an access point in communication with the distribution point (col. 10 lines 65-67),
 - (c) forward the information packet to the access point defining the coverage area containing the subscriber unit (col. 10 lines 53-58) if the information packet destination is to a subscriber unit within the coverage area of

Art Unit: 2666

the access point in communication with the distribution point (col. 10 lines 5-11, and lines 53-58, col. 10 lines 65 through col. 11 line 3), and

(d) forward the information packet to one of the additional distribution (base station can be added, col. 10 lines 56-58) points in communication with the distribution point if the information packet destination is not to a subscriber unit within the coverage area of the access point in communication with the distribution point, (refer to back bone (backhaul) interface 530, fig. 5, col. 5 line 67 through col. 6 line 10, col. 10 lines 60-65, and col. 14 lines 32-40).

For claims 2-11, 14-15, and 48-51, Wang discloses all the limitations of the subject matter of these claims, as in claim 1 above, including the following limitations:

- wherein each information packet includes at least one of voice, video, and data information, **as recited in claim 2**, (wireless terminal sends data to, and receives data from, the cellularized base stations, abstract; used ID is data information, refer to col. 8 lines 40-50 and col. 9 lines 20-25).
- wherein an information packet comprises voice information, **as recited by claim 3**, (refer to telephone 101 in fig. 1, col. 1 lines 35-50).
- wherein an information packet comprises video information, **as recited by claim 4**, (display is on display screen, refer to col. 2 lines 5-10).
- wherein all information packet comprises data. **as recited by claim 5**, (wireless terminal sends data to, and receives data from, the cellularized base stations, abstract; used ID is data information, refer to col. 8 lines 40-50 and col. 9 lines 20-25).

Art Unit: 2666

- wherein an information packet comprises streaming audio. **as recited by claim 6**, (refer to telephone 101 in fig. 1, col. 1 lines 35-50).
- wherein an information packet comprises streaming video **as recited by claim 7**, display is on display screen, refer to col. 2 lines 5-10).
- wherein the communication link is a symmetric link **as recited by claim 8**, (refer to col. 14 lines 50-51).
- wherein the communication link is an asymmetric link. **as recited by claim 9**, (refer to col. 14 lines 51-57).
- wherein the distribution point is in wireless communication with at least one access point. **as recited by claims 10, and 48**, (refer to figs 1-5, refer to abstract and col. 1 lines 25-30, figs. 6A-6C).
- wherein the distribution point is in wire line communication with at least one access point **as recited by claims 11, and 49** (refer to col. 10 lines 36-40 and col. 11 lines 35-40).
- wherein at least one distribution point is in wireless communication with at least one additional distribution point **as recited by claims 14 and 50**, (refer to “numerous base stations, col. 8 lines 14-16, col. 14 lines 5-10, col. 14 lines 33-40, and col. 14 lines 58-62
- wherein the plurality of distribution points forms a wireless network of distribution points **as recited by claims 15 and 51**, refer to col. 10 lines 60-65, and col. 14 lines 32-40.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 12-13, 16-20, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Rai et al** (US Patent No. 6,577,643), hereinafter, **Rai**.

For claims 12 and 13, Wang discloses all the limitations of the subject matter of these claims with the exception of the following limitations, which are disclosed by Rai, as follows::

- wherein at least one access point is packaged with the distribution point **as recited by claim 12**, (fig. 4, refer to col. 10 lines 36-40 and col. 11 lines 35-40).
- wherein at least one access point is not collocated with the distribution point **as recited by claim 13**, (refer to fig. 5, col. 10 lines 55-60).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of having access point collocated or not with distribution point, as taught by Rai. This capability can be combined within the distribution point, as taught by Rai. The suggestion/motivation to do so would have been to provide convenience of access by users.

For claim 16, Wang discloses all the limitations of the subject matter of these claims including the limitation

Art Unit: 2666

* “the distribution point further operative to receive an information packet for distribution within the second communication system and to send the information packet to the second communication system interface device, (back bone interface 530 in fig. 5 and network control center 309 in fig. 3, refer to col. 8 lines 11-20 and col. 12 lines 15-20) with the exception of the following limitations, which are disclosed by Rai, as follows:

- a communication system interface device ((backbone interface 530 in fig. 5) operative to format information contained in the information packet to pass through a second communication system, (refer to col. 11 lines 10-15),

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of formatting information contained in the information packet to pass through a second communication, as taught by Rai. This capability can be combined within the distribution point, as taught by Rai. The suggestion/motivation to do so would have been to provide convenience of access by users.

For claims 17-20, Wang discloses all the limitations of the subject matter of the the following claims:

- wherein the second communication system comprises a wireless telecommunication system, **as taught by claim 17**, 1002 and 1008 and 1025 in fig. 10, col. 10 lines 19-52, and col. 11 lines 35-40.
- wherein the second communication system comprises a wire line telecommunication system, **as taught by claim 18**, col. 10 lines 19-52, col. 11 lines 35-40.

Art Unit: 2666

- wherein the second communication system comprises a data network, **as taught by claim 19**, (311-315. in fig. 3)
- wherein the second communication system comprises a video distribution system, **as taught by claim 20**, (refer to col. 14 lines 58-65 and display col. 2 lines 1-5).

For claims 27-29, Wang discloses all the limitations of subject matter of these claims, with the exception of the following limitations, which are disclosed by Rai, as follows:

- wherein each subscriber unit is autonomously registered when the subscriber unit first enters the coverage area of a radio access point within the communication system, **as recited by claim 27**, refer to Rai' col. 7 lines 48-61, col. 9 lines 17-39, and col. 15 lines 25-30.
- wherein each subscriber unit maintains registration as the subscriber unit moves from one coverage area into another coverage area, **as recited by claim 28**, refer to col. 9 lines 17-39 and col. 15 lines 25-30.
- wherein each subscriber unit is autonomously deregistered when the subscriber unit leaves the communication system, **as recited by claim 29**, refer to col. 15 lines 25-30.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of, as taught by Rai. This capability can be combined within the distribution point, as taught by Rai. The suggestion/motivation to do so would have been to provide convenience of access by users and tracking users.

Art Unit: 2666

10. Claims 22-26 and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Rai et al** (US Patent No. 6,577,643), hereinafter, **Rai**, further in view of **Doty et al** (US Patent No. 6,795,863), hereinafter, **Doty**.

For claims 22-26 and 52-55, Wan and Rai disclose all the limitations of subject matter of this claims 22-26 and 52-55, including the following limitations:

- “wherein the distribution point (IWF) is further in communication with the internet gateway (Internet access or access to ISP), the distribution point further operative to exchange packets (frames, Rai’s col. 8 lines 66-67) with the Internet gateway”, **as recited by claim 22**, refer to Rai’s col. 8 lines 7-18 and Rai’s col. 8 lines 65-67;
- wherein at least one distribution point comprises an asynchronous transfer mode switch, **as recited by claims 23 and 52**, refer to Rai’s col. 11 lines 10-15.
- wherein at least one distribution point comprises an Internet protocol router, **as recited by claims 24 and 53**, Wang’s, col. 12 line 67 and Rai’s col. 22 lines 17-22 .
- wherein at least one distribution point comprises an Ethernet router, **as recited by claim 25 and 54**, Wang’s col. 12 lines 55-60, Rai’s col. 11 lines 5-15, and col. 22 lines 45-50.
- wherein at least one distribution point comprises a TDM switch (TI’s), **as recited by claims 26 and 55**, Rai,s col. 10 lines 65 and col. 22 lines 45-50.

Doty discloses more specifically the following limitations:

- “wherein the distribution point Internet protocol router, **as recited by claims 24 and 53**, Doty’s col. 7 lines 40-45, col. 10 lines 30-35..

Art Unit: 2666

- wherein at least one distribution point comprises an Ethernet router, **as recited by claim 25 and 54, Doty's col. 10 lines 35 –60..**

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of the distribution point (IWF) is further in communication with the internet gateway as taught by Rai. This capability can be combined within the distribution point, as taught by Rai. The suggestion/motivation to do so would have been to provide convenience of access by users and to meet the reception requirements by users.

11. Claims 30, 32, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Feuerstein et al** (US Patent No. 6,141,565), hereinafter, **Feurestein**.

For claims 30, 32, and 34-35, Wang discloses all the limitations of subject matter, as in claim 1 above, including the following limitations:

- “wherein subscriber unit is a fixed device or non-fixed device”, as recited in claims 34-35, refer to 100 in fig. 1 and 305 in fig. 5 respectively.

Wang does not disclose the following limitations explicitly, which are disclosed by **Feurestein**, as follows:

- “wherein quality error bit rate ---based on the location of the subscriber unit----”, refer to col. 1 line 65-col. 2 line 11.
- “wherein quality error bit rate ---based on the grade of service”, refer to col. 3 lines 1-3.

Art Unit: 2666

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of quality error bit rate ---based on the location of the subscriber unit and grade of service. This capability can be combined within the distribution point, as taught by Feurestein. The suggestion/motivation to do so would have been to provide quality of service as agreed to by subscriber.

12. Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Marinho et al** (US Patent No.6,738,637), hereinafter,Marinho.

For claims 31 and 33, Wang discloses all the limitations of subject matter, as in claim 1 above, with the exception of the following limitations, which are disclosed by Marinho, as follows:

- “wherein quality error bit rate ---based on the class of service”, refer to abstract.
- “wherein quality error bit rate ---based on the rate of service”, refer to abstract.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of quality error bit rate ---based on the class and rate of service. This capability can be combined within the distribution point, as taught by Marinho. The suggestion/motivation to do so would have been to provide quality of service as agreed to by subscriber.

Art Unit: 2666

13. Claims 36, 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Zendle** (US Patent No. 6,757,268), hereinafter, **Zendle**.

For claims 36, 37 and 41, Wang discloses all the limitations of subject matter of these claims, with the exception of the following limitations, which are disclosed by Zendle, as follows:

- “wherein bandwidth is dynamically allocates bandwidth when the information packet is forwarded to one of the additional distribution points in communication with the distribution point”, refer to col. 5 lines 10-15, col. 9 lines 14-30, and col. 13 lines 20-25.
- “wherein bandwidth is dynamically allocated when an information packet is exchanged between one of the plurality of subscriber units and one of the plurality of access points”, refer to col. 5 lines 10-15, col. 9 lines 14-30, and col. 13 lines 20-25.
- wherein communication link bandwidth is only consumed when packets containing information are transmitted, thereby only utilizing link bandwidth when information is sent or received, **as recited by claim 41**, (refer to “a sector may utilize the full bandwidth---of a channel---to meet overall customer demand for bandwidth, refer to col. 7 lines 25-30”).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of changing bandwidth dynamically. This capability can be combined within the distribution point, as taught by Zendle. The suggestion/motivation to do so would have been to provide convenience of access by users.

Art Unit: 2666

14. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Brueckheimer et al** (US Patent No. 6,563, 827), hereinafter, Brueckheimer.

For claim 38, Wang discloses "A method for routing packets, (refer to col. 1 lines 50-55) in a packetized communication, refer to figs. 1-3, comprising:

- establishing a distributed network of distribution points, refer to figs. 3 and 10, refer to col. 7 lines 25-62 and col. 8 lines 26 through col. 10 line 58;
- transmitting the plurality of packets to a distribution point in communication with the transmitting subscriber unit, refer to "the base stations---communicate with the wireless terminals over the ---packet radio link---", refer to col. 5 lines 50-55;
- receiving each packet in the destination distribution point, (packet radio, abstract, packet, col. 6 lines 54-55, forward, col. 9 lines 15-25 and col. 10 lines line 1 through line 5);
- forwarding each packet to a destination subscriber unit if the destination is a subscriber unit in communication with the destination distribution point, refer to col. 10 lines line 1 through line 5;

Wang does not disclose explicitly the following limitations, which are disclosed by Brueckheimer, as follows:

- breaking information into a plurality of packets at a transmitting subscriber unit, each subscriber unit in communication with at least one distribution point in the network of distribution points, refer to col. 3 lines 5-10;

Art Unit: 2666

- providing each packet of the plurality of packets with an address, the address indicating a destination distribution point within the communication system, refer to col. 1 lines 9-15,
- in each distribution point along the path of distribution points to the destination distribution point, determining to which distribution point each packet will be forwarded based on the address, (refer to “determine the destination of individual packets. which determine to which router the packet”, refer to col. 1 lines 9-18);
- assembling the information from the plurality of packets at the destination subscriber unit (refer to “packets by segmentation and re-assembly to and from the short mini-cell format, such that mobile packets can be carried along with the voice”, col. 3 lines 5-10.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of packets by segmentation and re-assembly, as taught by Brueckheimer. The suggestion/motivation to do so would have been to end delays and thus impairing the quality of service.

For claim 39, Wang discloses all the limitations of the subject matter, including the following limitations:

- “providing each packet with an address specifying a destination distribution point---- gateway (Network control center 309 in fig. 3)-----if the destination is determined to be a receiver outside of the communication network, and forwarding each packet from the gateway distribution point to the communication system supporting the

Art Unit: 2666

receiver, (forward the information packet to one of the additional distribution (base station can be added, col. 10 lines 56-58) points, (refer to back bone (backhaul) interface 530, fig. 5, col. 5 line 67 through col. 6 line 10, col. 10 lines 60-65, and col. 14 lines 32-40).

Wang does not disclose explicitly the following limitation, which is disclosed by Brueckhmeir, as follows:

- “ providing each packet with an address specifying a destination distribution point”, refer to col. 1 lines 9-18.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of packets with addressing information, as taught by Brueckheimer. The suggestion/motivation to do so would have been to end delays and thus impairing the quality of service.

15. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Brakefield et al** (6,047,006), Brakefield.

For claim 40, Wang discloses all the limitations of the subject matter, as in claim 1, with the exception of the following limitations, which is disclosed by Brakefield, as follows :

- “each subscriber unit operative to surrender communication link bandwidth when not sending or receiving an information packet, refer to col. 3 lines 60-65.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of surrendering bandwidth , as taught by Brakefield. The

Art Unit: 2666

suggestion/motivation to do so would have been to optimize the resources to facilitate high priority transmission.

16. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Tran et al** (US Patent No. 5,517,504), hereinafter, **Tran**, further in view of, **Jones et al** (6,108,314), **Jones**

For claim 42, Wang discloses all the limitations of the subject matter, as in claim 1, including the following limitation:

- “selecting one of the plurality of subscriber units”, refer to col. refer to col. 1 lines 35-55;
- “broadcasting an identification of the selected subscriber unit over a signaling channel”, refer to col. 1 lines 45-55;

with the exception of the following limitations, disclosed by Jones and Tran, as follows:

- “determining within the selected subscriber unit any packets that are to be transmitted”, refer to Tran’s col. 4 lines 30-25 and lines 42-50;
- “transmitting the determined packets over an information channel”, refer to Tran’s col. 4 lines 30-25 and lines 42-50; and
- “queuing packets within non selected subscriber units for later transmission”, refer to Jone’s col. 10 lines 38-61.

It would have been obvious to a person of ordinary skill in the art at the time of the

Art Unit: 2666

invention to use the capability of “determining any packets that are to be transmitted”, and “queuing packets within non selected subscriber units for later transmission, as taught by Tran and Jones. The suggestion/motivation to do so would have been to optimize the resources to facilitate high priority transmission.

17. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang** (US Patent No. 5,898,904) in view of **Blakeney, II et al** (US Patent No. 5,640,414), hereinafter, Blakney.

For claim 43, Wang discloses all the limitations of the subject matter, as in claim 1, with the exception of the following limitations, disclosed by Jones and Tran, as follows:

* a supervisor in communication with each distribution point, the supervisor operative to identify the distribution point with which each subscriber unit is communicating, refer to col. 3 lines 55-60, and abstract.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of “determining any packets that are to be transmitted”, and “queuing packets within non selected subscriber units for later transmission, as taught by Tran and Jones. The suggestion/motivation to do so would have been to optimize the resources to facilitate high priority transmission.

Allowable Subject Matter

18. Claims 44-46 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Prior Art of Record

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Zendle et al (US Patent No. 6,628,627) discloses a multi-services subscriber radio unit includes an antenna and a transceiver which is operatively coupled to the antenna.
- Sawahashi et al (US Patent no. 5,566,165) discloses a transmission power control method for a CDMA system calculating an actual SIR of a desired signal.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2666

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra
Inder P Mehra 10/21/04
Examiner
Art Unit 2666

DP

DANGTON
PRIMARY EXAMINER